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October 29, 2013

**VIA ECF and FEDEX**

Honorable William H. Pauley III (U.S.D.J.)  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Courtroom 11D  
New York, New York 10007

Re: Fleming v. LCH.Clearnet Group Limited, et al., No. 13 Civ. 2165 (WHP)

Dear Judge Pauley:

We represent the Defendants in the referenced action. We write in response to Plaintiff's letter to the Court, dated October 29, 2013, regarding a discovery dispute between the parties. We note at the outset that Plaintiff's letter fails to comply with the requirements of the Court's individual practices that (i) the parties first "meet and confer" before raising any discovery dispute with the Court and (ii) that, if such dispute cannot be resolved, it be brought to the Court's attention via a single joint submission detailing the time, place, duration, and counsel involved in the "meet and confer" discussion and the respective positions of the parties. See Rule III.A.iv. Plaintiff's letter is not compliant because it is not a joint submission, it does not contain the requisite detail required by Rule III.A.iv, and the parties have not yet engaged in a fulsome "meet and confer" process regarding the issues outlined in Plaintiff's letter. Indeed, at the time we received Plaintiff's letter, we were about to contact Plaintiff to schedule a time to discuss these very issues. We remain willing to "meet and confer" with Plaintiff to address these issues. Please advise us how the Court would like the parties to proceed.

Respectfully submitted,

SEYFARTH SHAW LLP

s/ Scott Rabe  
Scott Rabe

cc: Adam J. Kleinfeldt (via ECF)  
Nicholas H. De Baun (via ECF)

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